

CASE NO	1350
DATE OF HEAR	ING JAN 16,2020

Town of Aurora Zoning Board of Appeals 300 Gleed Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST		
X AREA VARIANCE SPECIAL USE PERMIT _	USE VARIANCE	INTERPRETATION
II. APPLICANT/PETITIONER	en e	
Applicant's Name Jenni 2nd James Tudin Address 650 Willardshire Road		
City <u>Ezot</u> Avorz	State\/	ZIP 140SZ
Phone(Fax Enterest wner/purchaser/developer	Email <u>d</u>	mail- com
	. 4	40.53
III. PROPERTY OWNER INFORMATION (If differen	t from <u>applicant informatio</u>	Commission (kg
Property Owner(s) Name(s)Address		
City Fax E	State	ZIP
Phone Fax E	mail	
III. PROPERTY INFORMATION		
Property Address 650 Willardshire Rd, SBL# 163.00 - 3-10	East Aurora,	NY, 14052
Property size in acres 6 · 522 Pro	operty Frontage in fee	-
Zoning District RR/ A Su	rrounding Zoning <u>R</u>	2/A
Current Use of Property Residential		
IV. REQUEST DETAIL		
(check all that apply)		
X Variance from Ordinance Section(s) #		
Special Use Permit for:		
Use Variance for:		
Interpretation of		

Signature of Applicant/	مــــــــــــــــــــــــــــــــــــ				
Print name of Applicant	يمار! t/Petitioner				
above individual appeared, basis of satisfactory evidend name is subscribed to the w	n the year 2019 before me, the personally known to me on the ce to be the individual whose				
for the purposes therein sta Sheup Q. Thue Notary Public	SHERYL A. MILLER Reg. #01Mi6128663				
(Notary stamp) Commis	Qualified In Erie County Sesion Expires June 13, 20				
Office Use Only:	Date received: / 2/13/15	Rec	ceipt #:	12/885	
Application reviewed by: ECDP ZR-1 form sent to		Hearing publication	on date:		
PREVIOUS APPEAL(S):		0 1		-	
	Zoning Board of Appeals()ha	s () has not been	made with r	espect to this pr	roperty
Previous appeals:					
Date:	Type of Appeal:		Granted	Denied	
Date:	Type of Appeal.	,	Granted	Denied	

V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not

the owner of the property, a separate owner authorization form must be submitted – see pg. 5)

PETITIONER'S LETTER OF INTENT

requ	se describe in detail the proposed project, reason the variance and/or special use permit is being ested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this eal: (attach additional pages if needed)
	See Attached petition letter
<u>то в</u>	E COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:
A Use Town	e Variance is requested because the applicable regulations and restrictions in the Zoning Code of the of Aurora have caused unnecessary hardship as demonstrated by the following:
1)	I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument). Financial Evidence Provided Yes No (financial evidence is required per NYS Town Law)
2)	Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood:
3)	Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance:
٠.	
4) explai	Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please
Λ++I	additional pages if needed)
- HI - H' ' '	Carrier Coarries of Clarifold

Town of Aurora 300 Gleed Avenue East Aurora, NY 14052 www.townofaurora.com

Zoning Board of Appeals Application Owner Authorization

The undersigned, who is	the owner of the	premises know	as:		
(addre	ess)		, identified as T	ax Map (SBL)#	
hereby authorizes			to bring an ap	plication for ()are	a variance
() special use permit () use variance() interpretation	before the Town	ı of Aurora Zoning B	oard of
Appeals for review and po	otential approval.	The undersign	ed further permits	the Town or its auth	orized
representative(s) access	to the property to	review existing	site conditions du	ring the review proce	ess.
Owner (print)			Date		
Owner (signature)					
STATE OF NEW YORK) SS				
COUNTY OF ERIE)				
On this day of	, 20	, before me, t	he undersigned, a	notary public in and	I for said state,
personally appeared		· · · · · · · · · · · · · · · · · · ·	, persona	ally known to me o	n the basis of
satisfactory evidence to b	oe the individual	(s) whose name	e(s) is (are) subsc	ribed to the within i	nstrument and
acknowledged to me that	he/she/they exe	cuted the same	in his/her/their cap	pacity(ies), and that	by his/her/their
signature(s) on the instru	ment, the individ	dual(s), or the p	erson upon beha	If of which the indiv	ridual(s) acted,
executed the instrument.					
Notary Pub	olic		_	4.1	

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 Draiget and Changer Information					
Part 1 - Project and Sponsor Information			' .		
Name of Action or Project:			,		
Application for area variance for home to all	au for homesterd	develop	1001		
Project Location (describe, and attach a location map):		A.			
650 Willardshire Rd, Est Arora, NY,	14052				
Brief Description of Proposed Action:					
We are applying for an area variance for a	ir home which i	this is is	nin.		
an agricultural zone when we purchased the or	specty with notes	t to bo	۸. ه		
a small number of livestock and large domestica	eted annals on sit	e . S	1 UAS attac		
after purchased it was re-soned to rural-resid	lential.		An for walk		
Name of Applicant or Sponsor:	Telephone:				
Dr Jenni Tudini	E-Mail: dc	:			
Address:			al con		
650 Willardshire Road					
City/PO:	State:	Zip Code:			
Esst Aurora NY 140					
1. Does the proposed action only involve the legislative adoption of a plan, leading the proposed action only involve the legislative adoption of a plan, leading the proposed action only involve the legislative adoption of a plan, leading the proposed action only involve the legislative adoption of a plan, leading the proposed action only involve the legislative adoption of a plan, leading the proposed action only involve the legislative adoption of a plan, leading the proposed action only involve the legislative adoption of a plan, leading the proposed action only involve the legislative adoption of a plan, leading the proposed action only involve the legislative adoption of a plan, leading the proposed action only involve the legislative adoption of a plan in the proposed action only involve the legislative adoption of a plan involve the proposed action on the proposed action only involve the legislative adoption of the proposed action of the propos	ocal law, ordinance,	NO	YES		
administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and	the environmental resources	that			
may be affected in the municipality and proceed to Part 2. If no, continue to	question 2.	that			
2. Does the proposed action require a permit, approval or funding from any	other governmental Agency?	NO	YES		
If Yes, list agency(s) name and permit or approval:					
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? 6 · S 2 2 acres acres					
c. Total acreage (project site and any contiguous properties) owned					
or controlled by the applicant or project sponsor?	6 · <u>522</u> acres				
4. Check all land uses that occur on, adjoining and near the proposed action.					
☐ Urban	•	ban)			
☐Forest Agriculture ☐ Aquatic ☐ Other (specify):				
Parkland					

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			岗
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar If Yes, identify:	ea?	NO NO	YES
			Ш
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO.	YES
b. Are public transportation service(s) available at or near the site of the proposed action?		X	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed act	ion?	X	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:		NO NO	YES
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:		×	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment: \[\sum \sum / \alpha \] 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		×	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO	YES
b. Is the proposed action located in an archeological sensitive area?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	1	NO X	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:		X	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successic ☐ Wetland ☐ Urban ☐ Suburban		apply:	
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed	· · · · · · · · · · · · · · · · · · ·	NO	YES
by the State or Federal government as threatened or endangered?		\boxtimes	
16. Is the project site located in the 100 year flood plain?		NO.	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YES
If Yes, a. Will storm water discharges flow to adjacent properties? NO TYES		×	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain If Yes, briefly describe:	s)?		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:		
	X	
10 Track of Ct.		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:		
		·
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	K	
	X	<u></u>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE I KNOWLEDGE	BEST O	F MY
Applicant/sponsor name: Dr Jenni Tudini Date: 12/10/19 Signature: Atalini		
Signature:		

The Tudini Family, 650 Willardshire Road, East Aurora, NY 14052

December 9th, 2019

To whom it may concern,

I am writing this petition letter on behalf of my husband and I, and our three children (8,4,2). It is in reference to the application submitted for an area variance for our property 650 Willardshire Road. We purchased 'Olds House' which was formally part of a much larger farm property in November 2016. We had been looking for a property that would allow us to create a small homestead upon which to raise our children, teaching them sustainability, respect for their environment, and which would allow us to pursue our passion of growing our own produce and raising sustainable food sources for our family.

At the time of purchase, this property was zoned as 'agricultural' and within a 'right to farm' community which was a leading decision behind our purchase. In addition to our home, our property has a large 3000 ft sq barn with stables, open fields and a wooded ravine that runs along our property line. We have established that a previous homeowner kept poultry, livestock and horses here, evidence of which remains in the barn. At this time, as our family moves to the next step in creating our homestead, we have recently come to establish that just 5 months after we purchased the property it was assigned a new zone of 'rural-residential', therefore limiting us in our future plans.

I would therefore like to lay out what we have done thus far in the time that we have owned our property, and what our future endeavors entail. Through acceptance of the requested area variance, it would allow us to continue with our plans to create a sustainable homestead for our family.

In the time that we have owned 650 Willardshire Road we have achieved the following:

- Designated a field that was overgrown and poorly maintained into our 'produce' field. We have planted over a dozen fruit trees to create an orchard, and have this summer planted our fruiting berry bushes. In time we will continue to develop this area and begin growing vegetables for our family. The field had a wire fence that was broken and poorly maintained, and we will be replacing this next year with a post and rail fence that is in keeping with the aesthetic look of both our property and those of our neighbors.
- We have established two thriving bee colonies that are producing raw honey from the pollen harvested from our very own fruit trees which is helping to support a species that is threatened through the use of pesticides and chemicals being used in modern day gardening/farming practices.
- We have also raised chickens that provide us with fresh eggs daily, and twice a year we raise and butcher organic, pastured raised chickens.

Our future plans for our property are laid out below so that you can develop an understanding of how we would like to utilize the space we have available to us in a responsible and respectful way.

- In February we are hoping to welcome two female Highland Cows that have young calves and that will be pregnant. Our intent will be to raise 2-4 cows at a given time that will be butchered once fully grown. The female cows will be bred when appropriate to maintain a self-sustainable source of beef for our family. Highland cows are an incredibly hardy smaller breed of cow that are known to be docile, quiet and can tolerate our winters very well. They would spend their time outside year-round being rotated through the fields that we have and being supplemented with hay as needed. If deemed necessary, we would be able to move them for protection into our pre-existing 3000 sq ft barn that is original to the property. I have included an image of a Highland Cow for those that may not be familiar with this breed of cow (Image 1).
- We would also like to raise 2-4 pigs seasonally from Spring-Fall each year. We have no intent of breeding pigs and would only be raising a small number each year for our own needs. The anticipated location of the pig's pasture and foraging area would be at the back of the property behind our home and adjacent to the barn. It cannot be viewed from the road. The anticipated breed of pig would be Berkshire and again I have included an image for your reference (Image 2).
- Finally, our oldest daughter is an active 4-H member of the local Cornell Cooperative Extension and also an avid horse rider. Although there are no active plans at this time to purchase a horse, we purchased this property with the barn and stables with this as a future possibility. We would like to include this information at the time of this application so that you can understand our complete vision for our homestead as our children grow.

In submitting this application, we would like it to be noted that both my husband and I are veterinarians. We are owners of Fetch the Vet Mobile Veterinary Practice PLLC and are very proud to be actively helping our community through this business. We therefore have both the knowledge to appropriately care for the animals we would have on our property but also the means to take care of their medical needs appropriately. We have carefully researched the needs of the animals which we hope to bring onto our property and have visited with local farmers to discuss their care, space requirements and care during various times of the year given our extremes of weather. The cows and pigs we plan on raising are coming from another local farm which in turn is helping to maintain our local farming community.

We have carefully considered the factors that you review when making this decision and feel that the most significant factor based on our specific application would be the aesthetic look of the property from the road given the few neighbors that we have. We would maintain the post and rail fence that runs along our property line. Where needed, appropriate fencing would be installed to allow for animals to be kept securely, but with respect for the aesthetic appearance of our neighborhood. It goes without saying that it was one of the appeals of our property, and we therefore do not want to diminish how beautiful the area is.

I have included for your reference a few images of our home and our chicken coop as an example of how we carefully integrate our vision for the homestead development into the pre-existing style of the property so that they blend sympathetically into the property. It is a decision that is always at the forefront of our plans (Images 3, 4, 5)

Regarding our neighbor who lives in the adjacent property, there would be no animals residing immediately adjacent to her property line as this is the field that we are already utilizing for home grown produce. Finally, in respect to the impact on the local environment we feel there will be little if any that could be considered negative. Our intent would be to utilize any manure produced and any feed that we use is organic.

We look forward to meeting with you at the Hearing in January and will be happy to answer any questions that you feel we have not answered sufficiently.

Sincerely,

(Hodun'

Dr Jenni Tudini, on behalf of our family

Image 1:
HIGHLAND COW &
CALF:

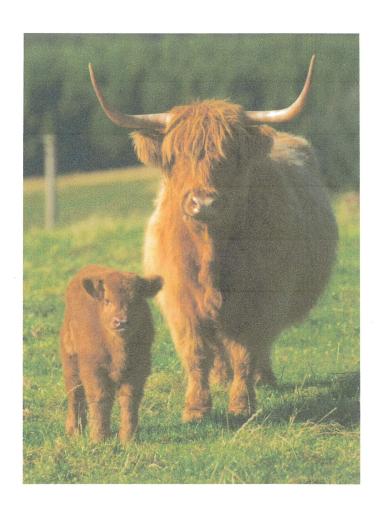


Image 2: BERKSHIRE PIG:



Images 3,4,5:

CHICKEN COOP DESIGNED TO MATCH ARCHITECTURAL STYLE OF HOME:







SUPERVISOR James J. Bach (716) 652-7590 jbach@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

Southside Municipal Center 300 Gleed Avenue, East Aurora, NY 14052

www.townofaurora.com

TOWN COUNCIL MEMBERS
Susan A. Friess
sfriess@townofaurora.com

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> > TOWN ATTORNEY Ronald P. Bennett

TOWN JUSTICE Jeffrey P. Markello Anthony DiFilippo IV

HISTORIAN

Robert L. Goller (716) 652-7944 historian@townofaurora.com

> FAX: (716) 652-3507 NYS Relay Number: 1(800) 662-1220

December 13, 2019

Jenni & James Tudini 650 Willardshire Rd East Aurora, NY 14052

The Building Department has reviewed your request to keep large domestic animals on your property at 650 Willardshire Rd. We have denied the request because it fails to meet the requirements of the Town of Aurora Code for keeping of domestic animals in the Rural Residential (RR) zoning district in which it is located. There are approximately 6 undeveloped acres on your property. The code would allow for two cows on 4 acres.

Section 116-8.4A(10)(b)

Required: Not more than two of any other species of domestic animals Requested: Additional farm animals of 1 horse, two cows (max), four pigs (max)

Variance: 1 horse, two cows, four pigs

Section 116-8.4A(10)(b)[2]

Required: The keeping of pigs and cattle shall have at least two acres of undeveloped land per animal.

Requested: 11 acres (13 acres total for the above animals, less the two remaining undeveloped acres on the property)

Variance: 11 acres

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an area variance. You must include your application and fee, a letter to the ZBA explaining your difficulty, any information to support your need for a variance from the Town Code.

If you have any questions contact us at 652-7591.

Sincerely

Elizabeth Cassidy

Asst. Code Enforcement Officer

§116-8.4 RR Rural Residential

A. Permitted uses.

- 1. One single-family dwelling or one two-family dwelling with no other dwelling or principal building on the same lot.
- 2. Church or other place of worship or religious instruction: parish house, rectory; convent in connection with school, all subject to Site Plan Review Regulations of Chapter 95 regardless of the building square footage.
- 3. Public or Private school accredited by the New York State Education Department, all subject to Site Plan Review Regulations of Chapter 95 regardless of the building square footage.
- 4. Public park or public playground maintained by the State of New York, County of Erie, or Town of Aurora.
- 5. Home occupations (as noted in Section 116.8)
- 6. Customary accessory uses, including but not limited to private residential garages or accessory buildings; and the further accessory uses in residences on Big Tree Road (Rt. 20A), Quaker Road (Rt.20A), Olean Road (Rt. 16) and Buffalo Road (Rt.16) only, professional offices of lawyers, physicians and surgeons, dentists, building architects, public accountants, and professional engineers, located and conducted wholly within the dwelling and incidental to the primary residential use of such dwelling; and further provided that, except for household servants and yardmen not more than one person shall be employed and only as assistant to the professional resident. Furthermore in all cases where such professional offices are established, off street automobile parking shall be provided for all residents, staff and customers of that professional.
- 7. Group Family Day Cares and Family Day Care Homes as defined and regulated by New York State.
- 8. Bed and Breakfast as defined by New York Building Code and subject to Site Plan Review Regulations of Chapter 95 regardless of the building sq. footage.
- 9. Signs, limited in accordance with Section 116-34A.
- 10. Keeping of domestic animals subject to the following

limitations:

- (a) 6 chickens or other poultry per acre, no roosters, confined to lot boundaries and housed in the rear yard at least 25 feet from any lot line.
- (b) Not more than two (2) of any other species of domestic animals.
 - (1) Keeping of large domestic animals including but not limited to: horses, goats, sheep etc., shall have a minimum of one acre undeveloped land per animal.
 - (2) Keeping of pigs and cattle: Shall have at least two (2) acres of undeveloped land per animal.
- (c) Keeping of manure behind the residence and at a minimum of 60 feet to the side and rear property lines.

11. Apiary limited to five hives.

These agricultural limitations shall only apply to lots improved with a residential structure. RR areas not improved with a residential structure shall be allowed full agricultural uses as stipulated in section 116-8.5 until such time that a residential structure is built on the lot.

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202.

Retain last copy for your files.

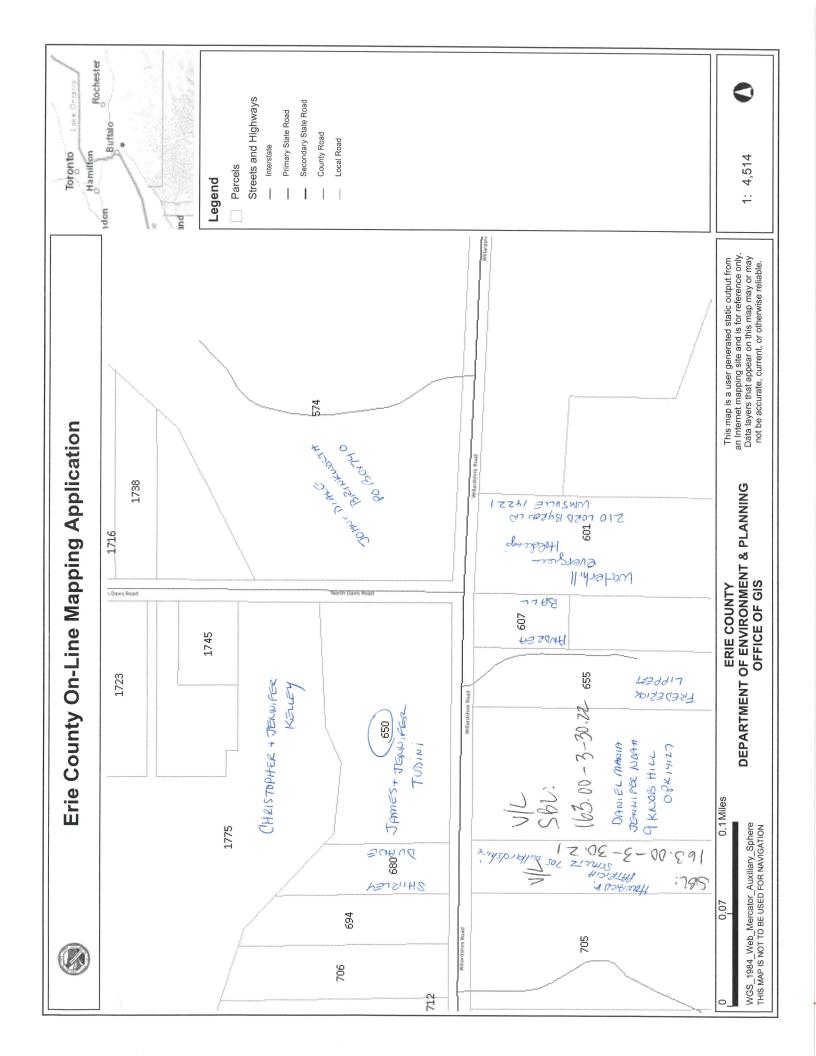
DO NOT WRITE IN THIS SPACE

Case No.: 22-19-695

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality:	Town of Aurora				
2. Hearing Schedule:	Date1/16/2020	Tim	e 7:00pm Locatio	n _300	Gleed Ave., E. Aurora, NY
3. Action is before:	☐ Legislative Body	\boxtimes	Board of Appeals		Planning Board
4. Action consists of:	☐ New Ordinance		Rezone/Map Change		Ordinance Amendment
☐ Site Plan	✓ Variance		Special Use Permit		Other
5. Location of Property:	☐ Entire Municipalit	y 🛛	Specific as follows	650 Will	ardshire Road
					'
6. Referral required as Site is within 500'of:	State or County Property/Institution	on \square	Municipal Boundary		Farm Operation located in an Agricultural District
☐ Expressway			State Highway		Proposed State or County Road, Property, Building/ Institution, Drainageway
7. Proposed change or us	e: (be specific) More	domestic fa	rm animals on fewer ac	res thar	allowed by Town Code.
8. Other remarks: (ID#, SB	L#, etc.) SBL#163.00)-3-10			,
9. Submitted by: Martha	Librock, Town Clerk			12/17/20)19
300 Gleed Ave., E. Aurora,	NY 14052				
				OF AND RESTORATION OF THE SECOND	
Reply to Municipality by Erie County Division of Planning Receipt of the above-described proposed action is acknowledged on 100 local law, based on the information submitted with this referral.					
1. The proposed action is not subject to review under the law.					
2. Form ZR-3, Comment on Proposed Action is attached hereto.					
The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.					
4. No recommendation; proposed action has been reviewed and determined to be of local concern					
By the Division of Planning: Date: 17/216/19					



Case No. 1350

James & Jennifer Tudini 650 Willardshire Road East Aurora, NY 14052 Christopher & Jennifer Kelley 1775 North Davis Road East Aurora, NY 14052

Shirley Duane 680 Willardshire Road East Aurora, NY 14052 John & Diane Brinkworth 574 Willardshire PO Box 740 East Aurora, NY 14052

Howard & Patricia Schultz 705 Willardshire Road East Aurora, NY 14052

Daniel Mania Jennifer Noah 9 Knob Hill Orchard Park, NY 14127

Frederick Lippert 655 Willardshire Road East Aurora, NY 14052

Andrea Ball 607 Willardshire Road East Aurora, NY 14052

Waterhill Evergreen Holdings 210 Lord Byron Lane Williamsville, NY 14221